



Food (Fees, Charges, and Levies) Amendment Regulations 2024

Cindy Kiro, Governor-General

Order in Council

At Wellington this 27th day of May 2024

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 203, 204, 207, and 208 of the Food Act 2014—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Food Safety made after being satisfied that the requirements of sections 198 and 201 of that Act have been met and that there has been appropriate consultation in accordance with section 379 of that Act.

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Regulations

1 Title

These regulations are the Food (Fees, Charges, and Levies) Amendment Regulations 2024.

2 Commencement

- (1) These regulations come into force on 1 July 2024.
- (2) However,—
 - (a) regulations 8, 9, and 13 come into force on 1 July 2025; and
 - (b) regulation 14(1) comes into force on 1 July 2026; and
 - (c) regulation 14(2) comes into force on 1 July 2027.

3 Principal regulations

These regulations amend the regulations that were previously called the Food (Fees and Charges) Regulations 2015.

4 Title of principal regulations changed

- (1) In regulation 1, replace “Food (Fees and Charges)” with “Food (Fees, Charges, and Levies)”.

- (2) Every reference in any enactment and in any document to the Food (Fees and Charges) Regulations 2015 must, unless the context otherwise provides, be read as a reference to the Food (Fees, Charges, and Levies) Regulations 2015.

5 New regulation 2A inserted (Interpretation)

After regulation 2, insert:

2A Interpretation

In these regulations, **levy year** means a period of 12 months that begins on 1 July and ends on 30 June.

6 Regulation 3 amended (Fees and charges)

In regulation 3, replace “the Schedule” with “Schedule 1”.

7 New regulation 3A inserted (Levy payable by registered importer)

After regulation 3, insert:

3A Levy payable by registered importer

- (1) A person who is registered as an importer must pay the applicable levy in Part 1 of Schedule 2 for each registration as an importer held by that person in the first levy year and each subsequent levy year.
- (2) The levy is payable by 1 October following receipt of an invoice from the chief executive.
- (3) In this regulation, the **first levy year** is the period that begins on 1 July 2024 and ends on 30 June 2025.
- (4) The levy is exclusive of goods and services tax.

8 Regulation 3A amended (Levy payable by registered importer)

Revoke regulation 3A(4).

9 New regulations 3B to 3E inserted

After regulation 3A, insert:

3B Levy payable by operator of food business operating under food control plan

- (1) A person who is registered as an operator of a food business that is required to operate under a food control plan must pay the levy in item 1 of Part 2 of Schedule 2 each levy year.
- (2) The levy is payable for each place in which the food business trades in food—
- (a) upon registration; and
 - (b) if the person is already registered, annually within 20 working days following receipt of an invoice.

3C Levy payable by operator of food business subject to national programme

- (1) A person who is registered as an operator of a food business subject to a national programme must pay the levy in item 2 of Part 2 of Schedule 2 each levy year.
- (2) The levy is payable for each food business operated by the person—
 - (a) upon registration; and
 - (b) if the person is already registered, annually within 20 working days following receipt of an invoice.

3D Collection agent

- (1) A territorial authority that is the appropriate registration authority of a food business is the collection agent of the levies in regulations 3B and 3C.
- (2) The territorial authority—
 - (a) may recover the costs of collecting the levies at a rate not exceeding \$11 per collection; and
 - (b) must forward any amount collected (other than the costs of collection) to the Ministry.

3E Levies exclusive of goods and services tax

The levies in regulations 3A, 3B, and 3C are exclusive of goods and services tax.

10 Regulations 4 and 5 replaced

Replace regulations 4 and 5 with:

4 Chief executive may exempt, waive, or refund fees, charges, or levies

- (1) The chief executive may grant an exemption from, or a waiver or refund of, any fee or charge for services (provided by the Ministry) specified in Schedule 1 or levy specified in Schedule 2, in whole or in part, in any particular case or class of case to which 1 or more of the following circumstances apply:
 - (a) the amount of the fee, charge, or levy is less than the reasonable cost of recovering the fee, charge, or levy;
 - (b) the Ministry has made an administrative error;
 - (c) the chief executive is satisfied that it would be unreasonable or unfair to require payment of the fee, charge, or levy;
 - (d) the chief executive considers that more efficient processes can be used, resulting in lower costs.
- (2) An exemption, a waiver, or a refund granted under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to a particular case.
- (3) This regulation is revoked on the close of 30 June 2029.

Legislation Act 2019 requirements for secondary legislation made under this regulation

Publication	It is not required to be published	LA19 s 73(2)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the secondary legislation.

5 Territorial authorities may exempt, waive, or refund fees

- (1) A territorial authority may grant an exemption from, or a waiver or refund of, any fee fixed by the territorial authority under section 205 of the Food Act 2014, in whole or in part, in any particular case or class of case to which 1 or more of the following circumstances apply:
- the amount of the fee is less than the reasonable cost of recovering the fee;
 - the territorial authority has made an administrative error;
 - the territorial authority is satisfied that it would be unreasonable or unfair to require payment of the fee;
 - the territorial authority considers that more efficient processes can be used, resulting in lower costs.
- (2) This regulation is revoked on the close of 30 June 2029.

11 Schedule amended

In the Schedule, Part 2, item 46, replace “Administration of imported food categorised in regulations made under the Act as being of increased regulatory interest” with “Administration of imported food categorised in regulations made under the Act as being of increased regulatory interest or high regulatory interest”.

12 New Schedule 2 inserted

After the Schedule, insert as Schedule 2 the schedule set out in Schedule 1 of these regulations.

13 Schedule 2 amended

- In the Schedule 2 heading, replace “r 3A” with “rr 3A–3C”.
- In Schedule 2, after Part 1, insert the Part 2 set out in Schedule 2 of these regulations.

14 Schedule 2 further amended

- In Schedule 2, Part 2, replace “\$57.50” with “\$86.25” in each place.
- In Schedule 2, Part 2, replace “\$86.25” with “\$115” in each place.

**Schedule 1
New Schedule 2 inserted**

r 12

**Schedule 2
Levies**

r 3A

**Part 1
Registered importer levies**

	Matter for which levy payable	Levy
1	Importing up to and including 118,500 kilograms of food per levy year	\$67.50
2	Importing 118,501 or more kilograms of food per levy year	\$67.50 for importing 118,500 kilograms plus \$0.00057 for each additional kilogram imported

Schedule 2

New Part 2 of Schedule 2 inserted

r 13(2)

Part 2		
Food business levies		
	Matter for which levy payable	Levy
1	Operating a food business under a food control plan	\$57.50 per year
2	Operating a food business that is subject to a national programme	\$57.50 per year

Nicola Purvis,
Acting Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations but is intended to indicate their general effect.

These regulations amend the regulations that were previously called the Food (Fees and Charges) Regulations 2015 (the **principal regulations**). They come into force on 1 July 2024, except for *regulations 8, 9, and 13*, which come into force on 1 July 2025, and *regulation 14(1) and (2)*, which come into force on 1 July 2026 and 1 July 2027, respectively.

The regulations provide for—

- new levies to be imposed on food importers and operators of food businesses required to operate under a food control plan or subject to a national programme; and
- the levies to be collected by territorial authorities as collection agents in specified circumstances and for the territorial authorities to recover the costs of collecting those levies; and
- the chief executive of the Ministry for Primary Industries to exempt, waive, or refund fees, charges, or levies under specified circumstances; and
- territorial authorities to exempt, waive, or refund fees under specified circumstances; and
- fees to be charged for food of high regulatory interest.

These regulations must be confirmed by an Act before the close of 30 June 2025. If they are not confirmed, the regulations will be revoked on the close of that date. *See* subpart 3 of Part 5 of the Legislation Act 2019.

Cost recovery impact statement

The Ministry for Primary Industries produced a cost recovery impact statement on 4 April 2024 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this cost recovery impact statement can be found at—

- <https://www.mpi.govt.nz/legal/regulatory-impact-statements/>
- <https://treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 30 May 2024.

These regulations are administered by the Ministry for Primary Industries.